

PATENT
Attorney Docket No.: JFO-00101

REMARKS

Applicant respectfully requests further examination and reconsideration in view of the amendments above and the comments set forth fully below. By the above amendments, claims 1 and 7 are amended. Accordingly, claims 1-12 and 33-34 are currently pending in this application.

Telephone Interview

The Applicant would like to thank Examiner Mediratta for his time and courteousness during the telephone interview on Wednesday, September 5, 2007. The amendments above and the remarks below reflect the issues discussed during the interview.

Rejection under §§ 102(b)

Within the Office Action, claims 1-4, 7-9, and 12 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 3,610,626 to Nolte (hereinafter "Nolte"). Also within the Office Action, claims 7-12 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 4,093,237 to Weiss (hereinafter "Weiss"). The Applicant respectfully traverses these rejections because neither Nolte nor Weiss teach a plurality of first game pieces configured to come in face to face contact with at least one of the other first game pieces to form new game piece structures.

The claimed first game pieces are each structurally designed such that when two or more of the first game pieces come together, that is when an upstanding face of each first game piece comes in contact with each other, the two or more first game pieces that are in face to face contact with each other form a new game piece structure. Specifically, refer to Figure 3, element 140, and Figures 12-14 of the present specification. The physical structures of each individual first game piece are configured to form new structures when placed in contact with one another. Such a limitation is a structural limitation and is not considered a "rule for playing."

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Nolte is directed to a chess-like game including two or more sets of standard chess pieces. The size of the playing area and the number of chess pieces is increased to permit simulation of a larger game area and an increased number of players and/or game pieces. Chess pieces are not configured to come together to form new game piece structures.

Weiss teaches a modified chess game including a game board divided into four quadrants, each quadrant represented by a unique color. The modified chess game is played with four sets of 16 conventional chess pieces. Again, chess pieces are not configured to come together to form new game piece structures.

The independent claims 1 and 7 each include the limitation "a plurality of first game pieces designated by a first type each having at least one upstanding face, wherein each one of the first game pieces is configured to come in face to face contact with at least one of the other first game pieces to form new game piece structures". There is no hint, teaching, or suggestion within either Nolte or Weiss that any of the chess game pieces are configured to come in face to face contact with each other to form new game piece structures.

For at least these reasons, the Applicant respectfully submits that neither Nolte nor Weiss anticipate claims 1 and 7. Since claims 2-4 are dependent upon claim 1, and claims 8-13 are dependent upon claim 7, claim 2-4 and 8-13 are each also allowable as being dependent upon an allowable base claim.

Rejection under §§ 103(a)

Within the Office Action, claims 5-6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nolte in view of Weiss. Claims 5-6 are dependent upon claim 1. As discussed above, claim 1 is allowable. As such, claim 5-6 are each also allowable as being dependent upon an allowable base claim.

Within the Office Action, claims 33 and 34 are rejected under 35 U.S.C. §103(a) as being

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unpatentable over Nolte. Claim 33 is dependent on the independent claim 1. Claim 34 is dependent on the independent claim 7. As discussed above, the independent claims 1 and 7 are allowable. As such, each of the dependent claims 33 and 34 are also allowable as being dependent upon an allowable base claim.

CONCLUSION

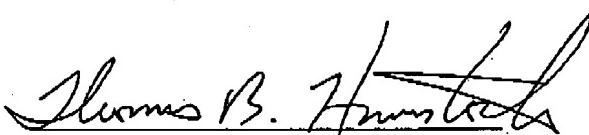
In view of the foregoing, the Applicant respectfully submits that all claims, namely claims 1-12 and 33-34, are in condition for allowance. Reconsideration of the rejections is requested. Allowance is earnestly solicited at the earliest possible date. The Examiner is encouraged to call the undersigned at (408) 530-9700, with questions or comments so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

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Dated: 9-11-07

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